

MURRAY PLANNING COMMISSION MINUTES
REGULAR MEETING
TUESDAY, APRIL 16, 2013
5:00 P.M.

The Murray Planning Commission met in regular session on Tuesday, April 16, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Commissioners Present: Jeremy Boyd, Loretta Jobs, Marc Peebles, Tom Kind, Mary Anne Medlock, Kevin Perry, Ryan Stanger, Ed Davis, and Ed Pavlick

Commissioners Absent: John Krieb

Also Present: Candace Dowdy, Justin Crice, Mike Pitman, David Roberts, Reta Gray, Jennifer Tolley, Ed Marlowe, Butch Sergeant, Bobby Deitz, Bobby Lee, William Palmer, Matt Jennings and public audience

Chairman Pavlick called the meeting to order. Chairman Pavlick asked the commissioners if there were any changes, additions or deletions to the minutes from the April 2, 2013 special meeting. Justin Crice reported that Commissioner Krieb had reported some changes via e-mail and those changes would be made.

Marc Peebles made a motion to accept the minutes from the April 2, 2013 Planning Commission special meeting as corrected. Tom Kind seconded the motion and the motion carried unanimously. *Ryan Stanger was recused from the next part of the meeting.*

Final Plat Review: Arbor Creek subdivision located at 1674 State Route 121 North – Ryan Stanger - SSM Properties LLC & West Wind Rentals LLC: Chairman Pavlick stated that this item was tabled at the last meeting; therefore, he needed a motion to remove it from the table.

Marc Peebles made a motion to remove this item from the table. Loretta Jobs seconded the motion and the motion carried unanimously.

Candace Dowdy used a Power Point presentation to show the property at 1674 State Route 121 North that is owned by Ryan Stanger and located in the county. Ms. Dowdy passed out a corrected copy of the final plat that was not included in the staff report. She reviewed that the Planning Commission approved the preliminary plat in February and in March the review of the final plat was tabled because of a lack of quorum. A special called meeting was held on April 2nd to review the final plat and at that time the commissioners tabled this item. Based on the motion that was made at the special meeting, the developer was asked to come back with a revised plat or answers to some of the concerns which had been brought up. One of the issues that were noted was the concern about the non-arterial streets proximity of access to the arterial street. Ms. Dowdy said the revised final plat reflects that parking spaces were removed along the front of the development so that there is now a 75 foot (or greater) distance from the non-arterial to the arterial street. She continued that Mr. Stanger had added some speed bumps to the development to ensure safety. Previously each of the six buildings showed six units. Mr. Stanger has removed one unit from the building on lot #1 (leaving 35 units) and this will bring that building back to 80 feet from the property line. These were the only changes that were made to the revised final plat. Ms. Dowdy stated that another item that had been brought up previously was the concern of the direct access to an arterial in a residential or multi-family area. Ms. Dowdy said that the subdivision regulations states that the Planning Commission “may” require the developer put in a frontage road, but it is not a mandatory requirement. She added that Planning Staff was not aware of any multi-family developments that front an arterial road.

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Chairman Pavlick stated that at the last special meeting there was a lot of time given to residents that had concerns about the development and he feels that they have essentially given the residents a “public hearing” which would not normally be done. He added that they appreciated the comments and suggestions that had been made; however, at this time, he was ready to turn this item over to the commissioners for their input and discussion.

Commissioner Boyd asked Ms. Dowdy to show the Future Land Use Map and explain how the property is defined. Ms. Dowdy pointed out that the property is identified as “Commercial Use”. Ms. Dowdy read the City of Murray’s Subdivision Regulations definition of a street. She added that they had previously determined that the roads within the development were not private driveways, but private streets. She then showed the Calloway County Subdivision Regulations definitions for a private street and a public street. Commissioner Perry asked if Ms. Dowdy could review the regulations for an arterial street. Justin Crice displayed the regulation on the overhead. Commissioner Boyd asked for clarification of “for the purpose of density calculations”. David Roberts stated it is similar to the City’s regulations when defining density and he thought it meant you cannot add the portion of the right of way that is not the actual traveled way when calculating density. Mr. Roberts added that he did not think that the county subdivision regulations addresses density as the regulations within the city limits do. Commissioner Peebles asked if the streets were being built to the city’s specifications and if they were not, if that would become an issue if the property was ever annexed into the city. Ms. Dowdy replied that if they were private streets they did not have to be built to the city’s specifications and that the city would not accept the streets for maintenance if they are not up to standard. Mr. Roberts added that the Planning Staff would not be reviewing the construction of the streets. Commissioner Peebles asked if Ryan Stanger could come forward to answer questions.

Ryan Stanger, 1715 Doran Road South, Murray was sworn in. Mr. Stanger is the developer of the property. Mr. Stanger said that the streets and parking spaces would be paved asphalt and that all the entrances to the development would have to be approved by the Kentucky Transportation Cabinet. He then stated that Bobby Deitz with BFW Engineering was there and that he knew the specs for the streets.

Bobby Deitz, 645 Swift Road, Kirksey, Kentucky was sworn in. Mr. Deitz is the engineer for the development. Mr. Deitz stated that the streets will be 8” dense, 2” binder and 1” surface asphalt. Mr. Roberts said that would exceed current regulations.

Chairman Pavlick asked if the commissioners had anyone else they would like to hear from. Someone in the audience asked if they could say something about the streets. Chairman Pavlick asked that person to come forward.

Bobby Lee, 277 Country Club Lane, Murray was sworn in. Ms. Lee brought a copy of the Subdivision Regulations on new streets and asked to show it on the overhead. She stated that even a minor street is to have a 50 foot right-of-way. In addition, there are other requirements including yard requirements that relate to setback of buildings. The proposed final plat did not comply with these requirements. She said at the last meeting they talked about there being a number of design problems with the development and only one had been addressed. Commissioner Kind asked what other problems were discussed. Ms. Lee replied that being on the arterial road beyond the setback was one of the issues. She added that the development doesn’t have yards and when Mr. Stanger was asked about green space, he included the flood plain. Ms. Lee said there were rules about having a yard. She added that the plan did not fit in with the Comprehensive Plan nor did it conform to the rules of the Subdivision Regulations. The proposed

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development is located on an arterial road which has high speed traffic. She added that with the current design Mr. Stanger actually has a parking lot (that he is calling a street) that connects to an arterial street. She said that it is up to the commissioners to determine if a frontage road is needed and if they don't require that frontage road, they were setting precedence. Ms. Lee and her neighbors see what is going on in regards to Hwy 121 North on a daily basis and they are just trying to relay that message to the commissioners. They do not feel that safety has been addressed with Mr. Stanger only subtracting a few feet from the design. Ms. Dowdy clarified that the setbacks are determined from the property lines and the buildings are meeting setbacks on all lots except for lots #4, 5 and 6 (which would each need a 10 foot rear setback).

Butch Sergeant, 602 Main Street, Murray was sworn in. Mr. Sergeant stated that he serves on the Murray City Council and he tries to attend these meetings so that he is more informed about things that are forwarded to the Council. Mr. Sergeant stated that he had a question for the attorney. He then asked Mr. Pitman if the Commissioners have the authority to legally vary any of the things that come up on this particular process of a subdivision. Mr. Pitman stated that section 7.1 of the Zoning Ordinance permits the board to vary the Subdivision Regulations if they find it appropriate unless the variance conflicts with the Zoning Ordinance and then the item would have to go before the Board of Zoning Adjustments as well. In answer to Mr. Sergeant's question, the answer is yes, they do have that authority.

Chairman Pavlick turned the item over to the commissioners for discussion. A gentleman from the audience asked if he could speak. Commissioner Perry stated that he would like to hear what the gentleman had to contribute. The gentleman came forward.

William Palmer, 277 Country Club Lane, Murray was sworn in. Mr. Palmer used the overhead to show the Subdivision Regulations in which he read a section out loud. He stated that it appears that the variances that are granted are doing the opposite than what they were intended to do in regards to the following: "*without detriment to the public welfare*". Also from the Subdivision Regulations "*financial disadvantage to the property owner is no proof of hardship within the proposed purpose of these regulations*". Mr. Palmer explained that just because it is expensive to do the right thing, to have the right width of streets, to have the right setbacks, and to have the right frontage road, that's not a reason for a variance. Mr. Palmer added that there had been some discussion concerning a conditional use. He said that a conditional use is a use that is essential to promote the public health. This is an extreme use for a conditional use since from the Comprehensive Plan the property is defined as "low density commercial" which is specifically identified as stores or shops. Mr. Palmer said that a conditional use is in the PDP process, but this proposal is extreme with the 107 parking spaces on 1.5 acres of usable land. He wondered why one would use a variance to make an extreme development out of this piece of property. Ms. Dowdy explained that a PDP is a development with more than one building on a tract of land.

Chairman Pavlick turned it over to the commissioners. He then asked if there was anyone else the commissioners would like to hear from.

Tom Kind made a motion to approve the final plat for Arbor Creek Subdivision with the following variances:

- **Platting of private streets within a subdivision**
- **10 ft. rear yard setback variance on Lots 4, 5, and 6.**
- **Waiving stormwater detention requirements for this development based on engineering study provided by BFW Engineering**

This is based on the following findings of fact; the applicant is meeting or exceeding 75 feet between the non-arterial and the arterial roads, the road construction standards exceed the standards for the City of Murray, and the applicant has met KY Department of Transportation Cabinet guidelines. If the property should be annexed in the future, the City of Murray will not accept the streets for maintenance because there is no right-of-way. Marc Peebles seconded the motion.

Commissioner Perry called for discussion. He wanted to clarify that the road bed will meet and exceed city standards; however, the rest of the road doesn't because there is no right-of-way. Should this property ever become annexed, the city will not take the streets over because there is no right-of-way. (This was added to the previous motion.) Mr. Roberts asked if that was a good thing or a bad thing. Mary Anne Medlock said that she thought that could be detrimental. She said she felt like the commissioners had to be pro-active and that was why they have the 4 mile radius to the city because they don't know what the future is going to be. Mr. Roberts agreed and said that could also be applied to the Comprehensive Plan.

The motion carried with a 5-3 voice vote. Ed Davis, Mary Anne Medlock and Kevin Perry voted no and Jeremy Boyd abstained.

Final Plat Review: Westhaven Subdivision located on Rob Mason Road – Landon Barrow: Justin Crice used a Power Point presentation to show the 8.95 acre tract of land on Rob Mason Road (Hwy 783) that is owned by Landon Barrow. Mr. Barrow is proposing to develop the property as a single family residential subdivision. This subdivision received preliminary plat approval in August of 2012. The 900 foot roadway with a cul-de-sac has been constructed to city specifications and will be paved after final plat has been approved. The street width will be 20 feet wide with no curb and gutter. The property is located in the county with a portion of the property falling within the four mile jurisdiction of the Planning Commission. The subdivision will consist of 15 lots that are approximately a ½ acre in size and one lot that is ¾ acre in size. The building setbacks are shown as 40 feet for the front, 25 feet for the rear and 10 feet for the sides. All lots will be served with private sewer and public water. Potable water will not be available to the subdivision until the Public Service Commission approves a transfer of the Water District to the Murray Water System. Mr. Barrow has submitted a letter from the Calloway County Health Department stating that all private sewage disposal systems installed will be reviewed on an individual basis and that they will meet the requirements of the Kentucky State Health Department. The letter also states that all lots meet the minimum square footage based on the availability of public water to each lot. A letter was also submitted from the Calloway County Fire-Rescue Squad stating that the cul-de-sac was of sufficient size to accommodate any equipment getting in and out in case of an emergency. Mr. Barrow has spoken to Judge Larry Elkins regarding the county taking over maintenance of the street once it is finished. Kim Oatman did the engineering work for the stormwater detention and the adjoining property owner, Robbie Rudolph has agreed to waive any requirements for stormwater detention. Commissioner Perry asked for further explanation concerning the water. Mr. Roberts explained that these lots sizes are based on having public water and private sewer. Right now the water lines from Water District #3 run 600 feet to the south of the property. The City of Murray is currently negotiating (with the Water District #3) the transfer of the water district over to the Murray Water System. They are in the process of getting all the documents together and applying to the Public Service Commission for their review and approval. Mr. Roberts added that they had constructed a 200,000 gallon elevated storage tank on Hudson Road for part of this purpose. The water district is not going to approve supplying water to the subdivision at this point; therefore, final plat will be contingent upon the completion of the transfer.

Kevin Perry made a motion to approve the final plat for Westhaven Subdivision located off Hwy. 783 with the following conditions: (1) Property owner/developer shall get an agreement in writing from the adjoining property owner to waive the stormwater detention requirements, (2) Potable water will not be available to the subdivision until the Public Service Commission approves a transfer of the Water District to the Murray Water System and (3) The development of this subdivision meet the City of Murray's Subdivision regulations. Loretta Jobs seconded the motion and the motion carried with an 8-0 voice vote. Ryan Stanger re-entered the meeting at 5:55 p.m.

Final Plat Review: Proposed residential PDP located on College Farm road – Glen Peters & Brad Wedel: Justin Crice used a Power Point presentation to show the two tracts (2.648 acres) of land located on the north side of College Farm Road. Glen Peters and Brad Wedel own the property. The preliminary plat was approved in February and a conditional use permit was granted by the BZA. There has been a slight revision on the layout of the buildings since the preliminary plat but the number of units remains the same at 36 one-bedroom units. The development still has one twenty-four (24) foot entrance off College Farm Road and the Fire Marshal is requiring the developers to put a "T" turnaround at the end. The BZA granted a parking variance based on 1.5 spaces per dwelling unit and the final plat shows 68 parking spaces. Five (5) foot concrete walkways are shown in front of the units with each unit having a concrete patio in the rear. The final plat also has added a concrete sidewalk on the east side of the entrance that will join the sidewalks along College Farm Road. The enclosed dumpster area has been moved to the east side of the property. There is a lot of green space in both the front of the development and to the rear of each unit. Some landscaping is shown on the final plat along with an eight foot privacy fence along the east and west sides of the property. Stormwater detention plans are in the process of being developed and will require approval prior to any building permits being issued. The owners have decided to name this development Cardinal Pointe. Chairman Pavlick said that he understood that a piece of heavy equipment had been moved to the property recently and it was buried in the wet soil; thus, he asked Bobby Deitz to come forward to speak concerning this matter.

Bobby Deitz said that they brought a piece of equipment from another project and it did get stuck because the area had just encountered a heavy rain and the ground was too soft. The equipment has since been removed from the property. Mr. Deitz stated that they had recently been doing some work on infiltration basins. The plan is to construct the detention where the water will be discharged beneath the ground surface and in doing so they will try to get as much water to perk back into the soil as they can. There will not be any single pointed concentrated flow discharge that anyone will be able to see. The water discharged below the ground will have infiltration trenches along the perimeter. When the water saturates the soil, it will bubble up out of the ground and go back into a sheet flow position. Some of the green space will be used for shallow detention areas. They are going to attempt to collect water in these ponds and let that water perk back into the soil. Mr. Deitz added that the property is so flat that the water has to build up in order to run off. Mr. Deitz concluded that there are three discharge points that will take the water to the same areas where it is going now.

Loretta Jobs made a motion to approve the final plat of the residential planned development project for Cardinal Pointe, owners Glen Peters and Brad Wedel, located on the north side of College Farm Road. This approval is contingent upon an eight (8') foot privacy fence being installed on the east and west sides of the development, the stormwater detention plans being submitted and approved and the project meeting all other city regulations. Tom Kind seconded and the motion carried with a 9-0 voice vote.

Annexation Request: 6.83 acre tract of land located on north side of State Route 94 West – City West Properties LLC – Matt Jennings: *Loretta Jobs and Ryan Stanger asked to be recused.* Candace Dowdy used a Power Point presentation to show the 6.83 acres owned by City West Properties, LLC. The property is located just east of the intersection of Highway 94 West and Robertson Road North. The property owner has requested that the property be annexed into the city limits of Murray. The property is contiguous to the city limits to the south and falls within the Urban Service Area. Water and gas is available to the property but sewer would have to be extended to the property from the west side of Robertson Road North. The comprehensive plan's Future Land Use Map identifies this property as low density residential.

Mary Anne Medlock made a motion to forward a recommendation to the City Council to annex the 6.83 acre tract of land, located just east of the intersection of Highway 94 West and Robertson Road North, owned by City West Properties, LLC into the city limits of Murray based on the fact the property is contiguous to the current city limits and falls within the Urban Service Area and is suitable for development. Ed Davis seconded the motion and the motion carried with a 7-0 voice vote. *Ms. Dowdy added that she would add the actual PVA parcel number with the recommendation when it goes to the City Council since it doesn't have a physical address.*

Advisory Meeting: Proposed residential PDP located on north side of State Route 94 West – City West Properties LLC – Matt Jennings: Candace Dowdy used a Power Point presentation to show the property that was just reviewed for annexation that is owned by Matt Jennings, manager of City West Properties LLC. The property consists of a 6.83 acre tract of land located just to the east of the intersection located at Highway 94 West and Robertson Road North. This property was reviewed in 2011 for a possible mixed use planned development project, but the annexation request was withdrawn in 2012. Mr. Jennings has submitted a site plan for a proposed single family residential planned development project. Planning Staff has advised Mr. Jennings that a residential PDP could not move forward with preliminary plat review until the Planning Commission has recommended zoning to the City Council for the property. The site plan shows 48 townhouses that would be situated along both sides of a new street that will be constructed for the new Murray and Calloway County Technical School. This road is currently in the process of being put in place and will be constructed to city specifications under the Subdivision Regulations. Mr. Jennings has designed this development with parking in the rear of the units. Mr. Jennings is proposing that development will have beautiful landscaping, a wooded park area, sidewalk network along the front of the units, as well as walking trails and a play area. Ms. Dowdy stated that Mr. Jennings was there if the commissioners had any questions. Commissioner Kind asked if there would be individual trash containers or a dumpster. Ms. Dowdy replied that at this stage they have not consulted with the sanitation department concerning that. Chairman Pavlick asked if these units were intended to be rentals. Ms. Dowdy said that to her knowledge they were supposed to be owner occupied. She then asked Mr. Jennings to come forward.

Matt Jennings, 311 Serenity Lane, Murray was sworn in. Ms. Dowdy asked Mr. Jennings if these units were intended to be rentals. Mr. Jennings replied that they were not; they are going to be townhouse style, but a condominium development. So they will have individual owners for each unit. Ms. Dowdy asked if they were going to be two stories. Mr. Jennings said that they are going to try to work on some one-story for elderly and handicap living. They are going to try to put two one-story units in each building. There are 10 proposed buildings so that would be a total of 20 one-story units. The others would be two-stories. The one-story units will probably be two bedrooms and the two-stories will be three bedrooms. Commissioner Boyd asked if there was going to be any type of sound barrier where the development fronts Hwy 94 West. Mr. Jennings said they intend to provide a barrier with landscaping

and trees. He added that they have additional land to the northeast of the development that is not shown on the drawing where they plan on having the detention area. Mr. Jennings stated that the street that runs through the development and turns to the west and dead ends will be a city street. It will meet city standard widths and will be a feed to future development. Mr. Jennings explained that he wants a nice community environment with residential and guest parking in the back of the units; however, he does think that additional parking might be allowed on one side of the street in front of the units. The idea is to drive into the subdivision and see trees, landscaping and the architecture of the buildings. He said that he would be working with the sanitation department to decide on what would work best for trash pick-up. There will have to be some clearing of trees for construction of a pavilion. There will be a playground with tables and grills on the property for the owners use. Everything is connected by sidewalks. Mr. Jennings explained that when he originally took the plan to Ms. Dowdy, he wanted it zoned as R-2. Unfortunately the city does not allow R-2 zoning for a development such as this; therefore, because of the density, it falls under R-4 zoning. There is not a single family high density zoning available within the City of Murray. Ms. Dowdy said that Mr. Jennings would be putting something in his homeowner's association stating that this property would be developed for single family use only. Each condominium will be sold and deeded. Mr. Jennings said that they had a lot of requests for this type of development and he now feels like he has the right property and the right partners to make this happen. He thinks this will be a great project for the community where he will be using local contractors and building supplies. Mr. Jennings thinks that the key to making people want to live there is to have something unique and nice. When asked about the school traffic, Mr. Jennings stated that he had spoken to both Calloway County Schools and Murray Independent School and found out that the students would not be driving personal vehicles to school. There will be two buses using the street a day. Murray's buses will enter and exit through this development and Calloway's will enter and exit through an entrance off Robertson Road North. Mr. Jennings stated that the school has been in contact with the state concerning the traffic situation at the intersection of Robertson Road and Hwy 94W. With all of the development that is going on in that area, Mr. Jennings feels like the situation will improve with the addition of turning lanes and the lowering of speed limits. He indicated that the state is telling them that the situation will get better, but he feels like they need a reason to make it better. The school will be the biggest advocate for a change to be made at that intersection. Chairman Pavlick said that the commissioners had a training session the previous week and one of the things that came out of that meeting was the need for age related housing. Mr. Jennings commented that he has done some of that in Riverfield Estates where he built the houses closer to the ground and installed handicap showers and railing and he is considering having four or five handicap residences in this development.

Ed Davis made a motion to forward this project on to the Board of Zoning Adjustments (BZA) for their consideration on compatibility to the area. Jeremy Boyd seconded the motion and the motion carried unanimously. Loretta Jobs and Ryan Stanger re-entered the meeting at 6:00 p.m.

Questions and Comments: None

Adjournment: Chairman Pavlick asked all the commissioners in favor of adjourning to stand. *The meeting adjourned at 6:01 p.m.*